



Department of Planning, Housing, & Community Development

Mayor, Richard C. David

Interim Director, Jennifer M. Taylor

STAFF REPORT

TO: Planning Commission Members
FROM: Planning, Housing and Community Development
DATE: January 23, 2014
SUBJECT: 172-178 State Street; Series A Site Plan / Special Use Permit Review
TAX ID #: 160.33-2-13; 160.33-2-14
CASE: 2014-04

A. REVIEW REQUESTED

GG Enterprises of Broome County LLC has submitted an application for Series A Site Plan & Special Use Permit review for a proposed mixed-use project at the property known as 172-178 State Street.

The applicant proposes to convert the existing 4-story and 1-story structures to a Multi-Unit Dwelling (3 Units, 24 Bedrooms) with ground floor commercial space and a parking garage. The proposed floor plan includes a storefront and communal living space on the ground floor, and one kitchen, one living room and 8 bedrooms on each of the upper stories of 178 State Street. 172 State Street consists entirely of a 1-story parking garage.

B. ADDITIONAL REVIEWS

The project is located within the State-Henry Historic District; any changes to the exterior require review by the Commission on Architecture and Urban Design (CAUD). The submitted application indicates that exterior modification is currently proposed for the construction of an exterior staircase and the replacement of doors and windows.

The project is located within the boundaries of the LWRP. The WAC will review the project for consistency with the policies of the City's Local Waterfront Revitalization Plan.

The project is located within 500 feet of a Broome County-owned facility (Greater Binghamton Transportation Center) and therefore is subject to 239-m review by the Broome County Department of Planning and Economic Development.

C. STAFF COMMENTS

- The applicant identifies the most recent user of the sites (172-178 State), Industrial Electroplaters, Inc, as a hazardous waste generator/transporter and lists the site (172 State) as a petroleum bulk storage site. It is recommended that the applicant conduct a Phase I Environmental Site Assessment (ESA) for the entire

property. This inquiry is necessary to complete SEQR and determine whether changing the use of the property from industrial to residential will “create a hazard to environmental resources or human health.” The Phase I ESA conducted for the property must be consistent with ASTM Standard E1527-05 to determine if any releases have occurred and whether or not sampling is necessary. The Phase I Environmental Database Report (EDR) that the applicant provided is only one component of a full Phase I ESA.

- The applicant’s site plan shows a proposed exterior staircase extending onto a neighboring property on the east side of the building. The applicant has not provided proof of an easement in order to construct the staircase or to allow the egress of the applicant’s tenants onto said adjacent property. Staff recommends that a signed agreement with the adjacent property owner be provided before the approval of the proposed site plan. Further, the design of the staircase must be reviewed by CAUD. Given the potential impact of the exterior stair on the Historic District and the architecture of the building, Staff recommends that a Certificate of Appropriateness be issued by CAUD prior to a decision by the Planning Commission.
- The applicant has applied for an area variance to allow residential activities (interior parking) at the ground level of 178 State St within thirty (30) feet of the front, which is not permitted in the C-2 District. Coordinated review under SEQR with the Zoning Board of Appeals may be required due to the potential impacts to human health which may result from the prior use of the site.
- Staff recommends that the applicant submit a revised floor plan which relocates the proposed walls at the rear of the 2nd, 3rd and 4th floors so that they do not intersect the center windows.

D. STANDARDS FOR APPROVAL OF SITE PLANS & SPECIAL USE PERMITS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements for granting a Special Use Permit, as described in Section 410-40, must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.

2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

E. SITE REVIEW

The project site is composed of two buildings, both currently owned—though no longer operated—by Electroplaters, Inc. The site faces State Street on the west and is visible from Prospect Street to the east. The two parcels combined measure a total of 8,805 square feet.

The predominant land use in the vicinity is commercial, with retail businesses at the ground floor and upper-stories utilized for office or residential use. There are also federal and County facilities nearby, including the Greater Binghamton Transportation Center, the Forum Theatre and the Federal Courthouse.

F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

196 State Street: In June, 2011, the Planning Commission granted Series A Site Plan & Special Use Permit approval to Thomas Haines for the conversion of an existing structure to an Off-Campus Dormitory in the C-2, Downtown Business District.

199 State Street: In May, 2009, Planning staff granted Series A Site Plan Exception approval to Grafiqa Creative Services to operate a marketing and graphic design business in the C-2 Business District.

23 Henry Street: In 2011, Planning staff approved a Series A Site Plan Exception application submitted by Burger Mondays to operate a full service restaurant in the C-2 Business district.

G. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance. **Because of the potential for the site to be hazardous to human health, it is recommended that a Phase I ESA be required before a determination of significance.**

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. Unlisted
2. Determine Lead Agency and other involved agencies.
3. **Request Phase I Site Assessment**
4. Motion to schedule a public hearing.
5. After the Public Hearing, Determination of Significance. (See EAS Part 2 & Part 3)

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
Will the proposed action impact existing: A. public / private water supplies?	X	

B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		X
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?		X

H. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

J. ENCLOSURES

Enclosed is a copy of the site plan, floor plans, application, and site photographs.